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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,557	11/28/2000	Anthony Monteiro	2386.1045-005	9459

21005 7590 10/03/2003

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EXAMINER
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MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/03/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/724,557

Applicant(s)

MONTEIRO, ANTHONY

Examiner

Farhood Moslehi

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on November 28, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 5-8 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

Art Unit: 2126

**Application/Control Number: 09724557**

**Art Unit: 2126**

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-4 are drawn to a CORBA-based managed object platform, classified in class 709, subclass 310.
  - II. Claims <sup>5</sup>~~A~~-8 are drawn to a SNMP based system running on an IP over ATM network, classified in class 370, subclass 321.

The inventions are distinct, each from the other because of the following reasons. Invention II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a system lacking SNMP protocol on an IP / ATM network particulars. See MPEP § 806.05(d).

The inventions are distinct, each from the other because of the following reasons:

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Timothy Meagher on September 10, 2002 a provisional election was made with traverse to prosecute the invention of I, claim 1-4. Affirmation of this election must be made by applicant in replying to this Office

Art Unit: 2126

action. Claim 5-8 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

2. Claims 1-4 are presented for examination. Claims 5-8 are non-elected.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by A. Puder and M. Moscarda ("Native ATM support for CORBA Platforms"), June 22, 1998, (hereinafter Puder).

5. As per claim 1, Puder shows in a telecommunications network, a network element comprising:

A CORBA-based server;

Plural CORBA-based managed objects accessible by the CORBA-based server; and

A CORBA-based applications programming interface coupled to the CORBA-based server (e.g. page 431, col. 2, GIOP and IIOP, lines 7-16, and Figure 1).

6. As per claim 2, Puder shows the CORBA-based API is coupled to an external operations support system for managing the plural CORBA-based managed objects therefrom (e.g. page 432, col. 1, lines 10-19).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2126

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puder in view of Jong-Tae Park, Kyung-Chan Sohn, Jong-Wook Baek ("Web-based Customer Network Management"), June 11, 1997, (hereinafter Park).

9. As per claim 3, Puder does not teach about the network element comprising of a management protocol agent as a CORBA-based server, the management protocol agent coupled to an external element management system for managing the plural CORBA-based managed objects therefrom, wherein the management protocol agent is an SNMP agent. Park teaches the step of the network element comprising of a management protocol agent as a CORBA-based server, the management protocol agent coupled to an external element management system for managing the plural CORBA-based managed objects therefrom, wherein the management protocol agent is an SNMP agent (page 164, col. 1, lines 2-18 and Figure 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Park with Puder because it would provide a management protocol agent as a CORBA-based client in order to provide management capabilities via a SNMP agent for this platform.

10. As per claim 4, it is rejected for similar reasons as stated above.

**Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (7.96)

US Pat. No. 6,003,083 to Davis et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

fm



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
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